

**PATENT****REMARKS**

Claims 2-5 and 12-14 are pending in the present application. In the above amendments, claims 2, 4, and 12-14 have been amended, and claim 3 has been canceled. Applicant respectfully responds to this Office Action.

***Claim Rejections – 35 USC § 103***

Claims 2-4 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano et al. (U.S. Patent No. 6,094,423, hereinafter Alfano) in view of Comer. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Alfano does not disclose the claimed invention. Specifically, Alfano does not disclose “generating a second segment having a segment size less than or equal to said maximum segment size upon the receipt of an acknowledgment message from said receiver,” as claimed in independent claims 2, 4 and 12-14 (originally claimed in claim 2; therefore, no new issue is raised). As shown in FIG. 3, items 304 and 306, of the instant application, the receipt of an acknowledgement from the receiver triggers the transmitter to generate a segment of any size smaller than the maximum size, to reduce data transmission latency. Alfano is not concerned with reducing transmission latency, as it only discloses fragmenting a large data size into smaller packets or fragments. As admitted by the Examiner, “Alfano and Comer do not expressly call for ... an acknowledgement message.” However, page 221 of Comer does not disclose an acknowledgement message that triggers transmission of whatever data available in the queue, as claimed by the applicants.

Therefore, since the references, singly or in combination, do not disclose the claimed limitations, Applicants respectfully request the Examiner to withdraw this rejection.

***Claim Rejections – 35 USC § 103***

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano et al. (U.S. Patent No. 6,094,423, hereinafter Alfano) in view of Comer, further in view of DeClerck (US Patent No. 5,515,375, hereinafter, DeClerck). Therefore, applicants respectfully traverse this rejection.

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Applicants respectfully submit that Alfano and Comer combination does not disclose the claimed invention, as discussed above in connection with independent claim 4. Applicants respectfully disclose that DeClerk does not disclose what Alfano and Comer combination fails to disclose.

Therefore, since the cited references do not disclose the claimed limitation, Applicants respectfully request the Examiner to withdraw the rejection.

***Claim Rejections – 35 USC § 102(e)***

Claims 13 is rejected under 35 U.S.C. 102(e) as being unpatentable over Alfano et al. (U.S. Patent No. 6,094,423, hereinafter Alfano). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Alfano does not disclose the claimed invention, as discussed above in connection with independent claims 2, 4, and 12. Specifically, Alfano does not disclose “generating a second segment having a segment size less than or equal to said maximum segment size upon the receipt of an acknowledgment message from a receiver,” as now claimed in independent claim 13 (originally claimed in claim 2; therefore, no new issue is raised).

Therefore, since the cited reference does not disclose the claimed limitation, Applicants respectfully request the Examiner to withdraw the rejection.

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**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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